



Attorney's Docket No. 35718/201902 (5718-103)

**PATENT**

**In The United States Patent And Trademark Office**

In re: Bidney, *et al.* Confirmation No.: 5068  
Appl. No.: 09/714,767 Group Art Unit: 1638 ✓  
Filed: 11/16/00 Examiner: R. Kallis  
For: SUNFLOWER RHOGAP, LOX, ADH AND SCIP-1  
POLYNUCLEOTIDES AND METHODS OF USE

September 3, 2003

Mail Stop Sequence  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

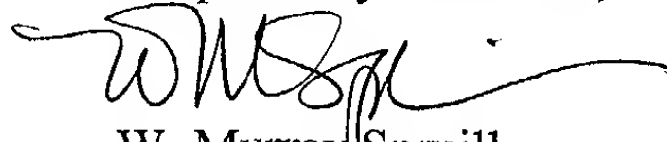
**SUPPLEMENTAL RESPONSE**

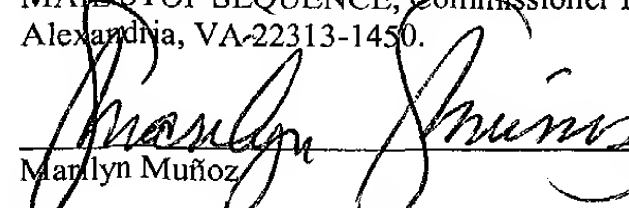
Dear Sir:

Per the Examiner's request, a resubmission of declaration under C.F.R. §1.802 is hereby enclosed.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

  
W. Murray Spruill  
Registration No. 32,943

<b>CUSTOMER NO. 29122</b> <b>ALSTON &amp; BIRD LLP</b> Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260	"Express Mail" Mailing Label Number EV 184330752 US Date of Deposit: September 3, 2003  I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: MAIL STOP SEQUENCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA-22313-1450.  Marilyn Muñoz
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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re:	Bidney, <i>et al.</i>	Confirmation No.: 5068
Appl. No.:	09/714,767	Group Art Unit: 1638
Filed:	11/16/00	Examiner: R. Kallis
For:	SUNFLOWER RHOGAP, LOX, ADH AND SCIP-1 POLYNUCLEOTIDES AND METHODS OF USE	

**DECLARATION UNDER 37 C.F.R. §1.802**

September 3, 2003

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned, W. Murray Spruill, declares and states,

1. That he has full and express authority to represent Pioneer Hi-Bred International, Inc. and CuraGen Corporation, Assignee of Application No. 09/714,767, by assignment recorded in the United States Patent and Trademark Office on March 26, 2001 at Reel 011962, Frame 0563 (Pioneer Hi-Bred International, Inc.) and on February 26, 2002 at Reel 012663, Frame 0311 (CuraGen Corporation).
2. That he has read and understands the above-captioned U.S. Patent Application Number 09/714,767, filed 11/16/00, for "SUNFLOWER RHOGAP, LOX, ADH AND SCIP-1 POLYNUCLEOTIDES AND METHODS OF USE".
3. That the Assignee hereby provides assurance of the permanent availability of the following organisms deposited at The American Type Culture Collection, 10801 University Drive, Manassas, VA 20110-2209, USA:

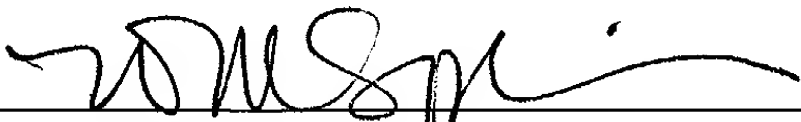
In re: Bidney, *et al.*  
Appl. No.: 09/714,767  
Filed: 11/16/00  
Page 2 of 3

<u>Strain</u>	<u>ATCC Accession No.</u>	<u>Date of Deposit</u>
E. coli	<u>PTA-287</u>	<u>June 30, 1999</u>

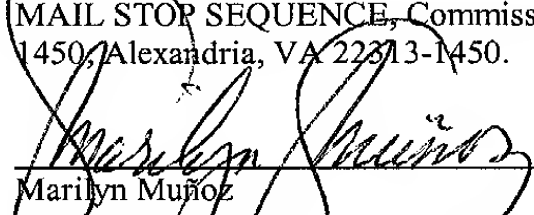
4. That the Assignee hereby provides assurance that the material deposited in paragraph 3, above, is, in each instance, the same biological material specifically identified in the above-captioned patent application, as filed.
5. That the Assignee hereby provides assurance that it will:
  - a. During the pendency of the patent application, allow access to the deposited strain listed in paragraph 3, above, to those persons properly designated by the Commissioner of Patents and Trademarks;
  - b. Replace the deposited strain should it die or be destroyed:
    - (1) During the enforceable life of any patent issued out of the above-identified patent application,
    - (2) For five years after the last request for a sample of the deposited strain, and
    - (3) For thirty years;
  - c. Upon issuance of a patent, irrevocably remove all restrictions of access to the strain for the duration of the deposit; and
  - d. Pay the maintenance charges for the duration of the deposit.
6. That all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true; and further acknowledges that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section

1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

For: Pioneer Hi-Bred International, Inc. and CuraGen Corporation

By:   
W. Murray Spruill  
Register No. 32,943

Date: September 3, 2003

<b>CUSTOMER NO. 29122</b> <b>ALSTON &amp; BIRD LLP</b> Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260	"Express Mail" Mailing Label Number EV 184330752 US Date of Deposit: September 3, 2003  I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: MAIL STOP SEQUENCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  Marilyn Muñoz
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